

111TH CONGRESS  
1ST SESSION

# S. 76

To amend the Native Hawaiian Health Care Improvement Act to revise  
and extend that Act.

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IN THE SENATE OF THE UNITED STATES

JANUARY 6, 2009

Mr. INOUE introduced the following bill; which was read twice and referred  
to the Committee on Indian Affairs

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## A BILL

To amend the Native Hawaiian Health Care Improvement  
Act to revise and extend that Act.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Native Hawaiian  
5       Health Care Improvement Reauthorization Act of 2009”.

6       **SEC. 2. AMENDMENT TO THE NATIVE HAWAIIAN HEALTH**  
7       **CARE IMPROVEMENT ACT.**

8       The Native Hawaiian Health Care Improvement Act  
9       (42 U.S.C. 11701 et seq.) is amended to read as follows:

1 **“SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 “(a) SHORT TITLE.—This Act may be cited as the  
3 ‘Native Hawaiian Health Care Improvement Act’.

4 “(b) TABLE OF CONTENTS.—The table of contents  
5 of this Act is as follows:

- “Sec. 1. Short title; table of contents.
- “Sec. 2. Findings.
- “Sec. 3. Definitions.
- “Sec. 4. Declaration of national Native Hawaiian health policy.
- “Sec. 5. Comprehensive health care master plan for Native Hawaiians.
- “Sec. 6. Functions of Papa Ola Lokahi.
- “Sec. 7. Native Hawaiian health care.
- “Sec. 8. Administrative grant for Papa Ola Lokahi.
- “Sec. 9. Administration of grants and contracts.
- “Sec. 10. Assignment of personnel.
- “Sec. 11. Native Hawaiian health scholarships and fellowships.
- “Sec. 12. Report.
- “Sec. 13. Use of Federal Government facilities and sources of supply.
- “Sec. 14. Demonstration projects of national significance.
- “Sec. 15. Rule of construction.
- “Sec. 16. Compliance with Budget Act.
- “Sec. 17. Severability.

6 **“SEC. 2. FINDINGS.**

7 “(a) IN GENERAL.—Congress finds that—

8 “(1) Native Hawaiians begin their story with  
9 the Kumulipo, which details the creation and inter-  
10 relationship of all things, including the evolvement of  
11 Native Hawaiians as healthy and well people;

12 “(2) Native Hawaiians—

13 “(A) are a distinct and unique indigenous  
14 people with a historical continuity to the origi-  
15 nal inhabitants of the Hawaiian archipelago  
16 within Ke Moananui, the Pacific Ocean; and

1           “(B) have a distinct society that was first  
2           organized almost 2,000 years ago;

3           “(3) the health and well-being of Native Hawai-  
4           ians are intrinsically tied to the deep feelings and at-  
5           tachment of Native Hawaiians to their lands and  
6           seas;

7           “(4) the long-range economic and social  
8           changes in Hawai’i over the 19th and early 20th  
9           centuries have been devastating to the health and  
10          well-being of Native Hawaiians;

11          “(5) Native Hawaiians have never directly relin-  
12          quished to the United States their claims to their in-  
13          herent sovereignty as a people or over their national  
14          territory, either through their monarchy or through  
15          a plebiscite or referendum;

16          “(6) the Native Hawaiian people are deter-  
17          mined to preserve, develop, and transmit to future  
18          generations, in accordance with their own spiritual  
19          and traditional beliefs, their customs, practices, lan-  
20          guage, social institutions, ancestral territory, and  
21          cultural identity;

22          “(7) in referring to themselves, Native Hawai-  
23          ians use the term ‘Kanaka Maoli’, a term frequently  
24          used in the 19th century to describe the native peo-  
25          ple of Hawai’i;

1           “(8) the constitution and statutes of the State  
2 of Hawai’i—

3           “(A) acknowledge the distinct land rights  
4 of Native Hawaiian people as beneficiaries of  
5 the public lands trust; and

6           “(B) reaffirm and protect the unique right  
7 of the Native Hawaiian people to practice and  
8 perpetuate their cultural and religious customs,  
9 beliefs, practices, and language;

10          “(9) at the time of the arrival of the first non-  
11 indigenous people in Hawai’i in 1778, the Native  
12 Hawaiian people lived in a highly organized, self-suf-  
13 ficient, subsistence social system based on communal  
14 land tenure with a sophisticated language, culture,  
15 and religion;

16          “(10) a unified monarchical government of the  
17 Hawaiian Islands was established in 1810 under Ka-  
18 mehameha I, the first King of Hawai’i;

19          “(11) throughout the 19th century until 1893,  
20 the United States—

21           “(A) recognized the independence of the  
22 Hawaiian Nation;

23           “(B) extended full and complete diplomatic  
24 recognition to the Hawaiian Government; and

1           “(C) entered into treaties and conventions  
2           with the Hawaiian monarchs to govern com-  
3           merce and navigation in 1826, 1842, 1849,  
4           1875, and 1887;

5           “(12) in 1893, John L. Stevens, the United  
6           States Minister assigned to the sovereign and inde-  
7           pendent Kingdom of Hawai’i, conspired with a small  
8           group of non-Hawaiian residents of the Kingdom,  
9           including citizens of the United States, to overthrow  
10          the indigenous and lawful government of Hawai’i;

11          “(13) in pursuance of that conspiracy—

12           “(A) the United States Minister and the  
13           naval representative of the United States  
14           caused armed forces of the United States Navy  
15           to invade the sovereign Hawaiian Nation in  
16           support of the overthrow of the indigenous and  
17           lawful Government of Hawai’i; and

18           “(B) after that overthrow, the United  
19           States Minister extended diplomatic recognition  
20           of a provisional government formed by the con-  
21           spirators without the consent of the native peo-  
22           ple of Hawai’i or the lawful Government of Ha-  
23           wai’i, in violation of—

24           “(i) treaties between the Government  
25           of Hawai’i and the United States; and

1 “(ii) international law;

2 “(14) in a message to Congress on December  
3 18, 1893, President Grover Cleveland—

4 “(A) reported fully and accurately on those  
5 illegal actions;

6 “(B) acknowledged that by those acts, de-  
7 scribed by the President as acts of war, the  
8 government of a peaceful and friendly people  
9 was overthrown; and

10 “(C) concluded that a ‘substantial wrong  
11 has thus been done which a due regard for our  
12 national character as well as the rights of the  
13 injured people required that we should endeavor  
14 to repair’;

15 “(15) Queen Lili‘uokalani, the lawful monarch  
16 of Hawai‘i, and the Hawaiian Patriotic League, rep-  
17 resenting the aboriginal citizens of Hawai‘i, prompt-  
18 ly petitioned the United States for redress of those  
19 wrongs and restoration of the indigenous govern-  
20 ment of the Hawaiian nation, but no action was  
21 taken on that petition;

22 “(16) in 1993, Congress enacted Public Law  
23 103–150 (107 Stat. 1510), in which Congress—

24 “(A) acknowledged the significance of  
25 those events; and

1           “(B) apologized to Native Hawaiians on  
 2           behalf of the people of the United States for the  
 3           overthrow of the Kingdom of Hawai’i with the  
 4           participation of agents and citizens of the  
 5           United States, and the resulting deprivation of  
 6           the rights of Native Hawaiians to self-deter-  
 7           mination;

8           “(17) between 1897 and 1898, when the total  
 9           Native Hawaiian population in Hawai’i was less  
 10          than 40,000, more than 38,000 Native Hawaiians  
 11          signed petitions (commonly known as ‘Ku’e Peti-  
 12          tions’) protesting annexation by the United States  
 13          and requesting restoration of the monarchy;

14          “(18) despite Native Hawaiian protests, in  
 15          1898, the United States—

16               “(A) annexed Hawai’i through Resolution  
 17               No. 55 (commonly known as the ‘Newlands  
 18               Resolution’) (30 Stat. 750), without the consent  
 19               of, or compensation to, the indigenous people of  
 20               Hawai’i or the sovereign government of those  
 21               people; and

22               “(B) denied those people the mechanism  
 23               for expression of their inherent sovereignty  
 24               through self-government and self-determination  
 25               of their lands and ocean resources;

1 “(19) through the Newlands Resolution and the  
2 Act of April 30, 1900 (commonly known as the  
3 ‘1900 Organic Act’) (31 Stat. 141, chapter 339), the  
4 United States—

5 “(A) received 1,750,000 acres of land for-  
6 merly owned by the Crown and Government of  
7 the Hawaiian Kingdom; and

8 “(B) exempted the land from then-existing  
9 public land laws of the United States by man-  
10 dating that the revenue and proceeds from that  
11 land be ‘used solely for the benefit of the inhab-  
12 itants of the Hawaiian Islands for education  
13 and other public purposes’, thereby establishing  
14 a special trust relationship between the United  
15 States and the inhabitants of Hawai’i;

16 “(20) in 1921, Congress enacted the Hawaiian  
17 Homes Commission Act, 1920 (42 Stat. 108, chap-  
18 ter 42), which—

19 “(A) designated 200,000 acres of the  
20 ceded public land for exclusive homesteading by  
21 Native Hawaiians; and

22 “(B) affirmed the trust relationship be-  
23 tween the United States and Native Hawaiians,  
24 as expressed by Secretary of the Interior  
25 Franklin K. Lane, who was cited in the Com-

1           mittee Report of the Committee on Territories  
 2           of the House of Representatives as stating,  
 3           ‘One thing that impressed me . . . was the fact  
 4           that the natives of the islands . . . for whom in  
 5           a sense we are trustees, are falling off rapidly  
 6           in numbers and many of them are in poverty.’;

7           “(21) in 1938, Congress again acknowledged  
 8           the unique status of the Native Hawaiian people by  
 9           including in the Act of June 20, 1938 (52 Stat.  
 10          781), a provision—

11                   “(A) to lease land within the extension to  
 12           Native Hawaiians; and

13                   “(B) to permit fishing in the area ‘only by  
 14           native Hawaiian residents of said area or of ad-  
 15           jacent villages and by visitors under their guid-  
 16           ance’;

17           “(22) under the Act of March 18, 1959 (48  
 18          U.S.C. prec. 491 note; 73 Stat. 4), the United  
 19          States—

20                   “(A) transferred responsibility for the ad-  
 21           ministration of the Hawaiian home lands to the  
 22           State; but

23                   “(B) reaffirmed the trust relationship that  
 24           existed between the United States and the Na-  
 25           tive Hawaiian people by retaining the exclusive

1 power to enforce the trust, including the power  
2 to approve land exchanges and legislative  
3 amendments affecting the rights of beneficiaries  
4 under that Act;

5 “(23) under the Act referred to in paragraph  
6 (22), the United States—

7 “(A) transferred responsibility for adminis-  
8 tration over portions of the ceded public lands  
9 trust not retained by the United States to the  
10 State; but

11 “(B) reaffirmed the trust relationship that  
12 existed between the United States and the Na-  
13 tive Hawaiian people by retaining the legal re-  
14 sponsibility of the State for the betterment of  
15 the conditions of Native Hawaiians under sec-  
16 tion 5(f) of that Act (73 Stat. 6);

17 “(24) in 1978, the people of Hawai’i—

18 “(A) amended the constitution of Hawai’i  
19 to establish the Office of Hawaiian Affairs; and

20 “(B) assigned to that Office the author-  
21 ity—

22 “(i) to accept and hold in trust for the  
23 Native Hawaiian people real and personal  
24 property transferred from any source;

1                   “(ii) to receive payments from the  
2                   State owed to the Native Hawaiian people  
3                   in satisfaction of the pro rata share of the  
4                   proceeds of the public land trust estab-  
5                   lished by section 5(f) of the Act of March  
6                   18, 1959 (48 U.S.C. prec. 491 note; 73  
7                   Stat. 6);

8                   “(iii) to act as the lead State agency  
9                   for matters affecting the Native Hawaiian  
10                  people; and

11                  “(iv) to formulate policy on affairs re-  
12                  lating to the Native Hawaiian people;

13                  “(25) the authority of Congress under the Con-  
14                  stitution to legislate in matters affecting the aborigi-  
15                  nal or indigenous people of the United States in-  
16                  cludes the authority to legislate in matters affecting  
17                  the native people of Alaska and Hawai’i;

18                  “(26) the United States has recognized the au-  
19                  thority of the Native Hawaiian people to continue to  
20                  work toward an appropriate form of sovereignty, as  
21                  defined by the Native Hawaiian people in provisions  
22                  set forth in legislation returning the Hawaiian Is-  
23                  land of Kaho‘olawe to custodial management by the  
24                  State in 1994;

1           “(27) in furtherance of the trust responsibility  
 2           for the betterment of the conditions of Native Ha-  
 3           waiians, the United States has established a pro-  
 4           gram for the provision of comprehensive health pro-  
 5           motion and disease prevention services to maintain  
 6           and improve the health status of the Hawaiian peo-  
 7           ple;

8           “(28) that program is conducted by the Native  
 9           Hawaiian Health Care Systems and Papa Ola  
 10          Lokahi;

11          “(29) health initiatives implemented by those  
 12          and other health institutions and agencies using  
 13          Federal assistance have been responsible for reduc-  
 14          ing the century-old morbidity and mortality rates of  
 15          Native Hawaiian people by—

16               “(A) providing comprehensive disease pre-  
 17               vention;

18               “(B) providing health promotion activities;  
 19               and

20               “(C) increasing the number of Native Ha-  
 21               waiians in the health and allied health profes-  
 22               sions;

23          “(30) those accomplishments have been  
 24          achieved through implementation of—

1           “(A) the Native Hawaiian Health Care Act  
2 of 1988 (Public Law 100–579); and

3           “(B) the reauthorization of that Act under  
4 section 9168 of the Department of Defense Ap-  
5 propriations Act, 1993 (Public Law 102–396;  
6 106 Stat. 1948);

7           “(31) the historical and unique legal relation-  
8 ship between the United States and Native Hawai-  
9 ians has been consistently recognized and affirmed  
10 by Congress through the enactment of more than  
11 160 Federal laws that extend to the Native Hawai-  
12 ian people the same rights and privileges accorded to  
13 American Indian, Alaska Native, Eskimo, and Aleut  
14 communities, including—

15           “(A) the Native American Programs Act of  
16 1974 (42 U.S.C. 2991 et seq.);

17           “(B) the American Indian Religious Free-  
18 dom Act (42 U.S.C. 1996);

19           “(C) the National Museum of the Amer-  
20 ican Indian Act (20 U.S.C. 80q et seq.); and

21           “(D) the Native American Graves Protec-  
22 tion and Repatriation Act (25 U.S.C. 3001 et  
23 seq.);

24           “(32) the United States has recognized and re-  
25 affirmed the trust relationship to the Native Hawai-

1       ian people through legislation that authorizes the  
2       provision of services to Native Hawaiians, specifi-  
3       cally—

4               “(A) the Older Americans Act of 1965 (42  
5       U.S.C. 3001 et seq.);

6               “(B) the Developmental Disabilities Assist-  
7       ance and Bill of Rights Act Amendments of  
8       1987 (42 U.S.C. 6000 et seq.);

9               “(C) the Veterans’ Benefits and Services  
10       Act of 1988 (Public Law 100–322);

11               “(D) the Rehabilitation Act of 1973 (29  
12       U.S.C. 701 et seq.);

13               “(E) the Native Hawaiian Health Care Act  
14       of 1988 (42 U.S.C. 11701 et seq.);

15               “(F) the Health Professions Reauthoriza-  
16       tion Act of 1988 (Public Law 100–607; 102  
17       Stat. 3122);

18               “(G) the Nursing Shortage Reduction and  
19       Education Extension Act of 1988 (Public Law  
20       100–607; 102 Stat. 3153);

21               “(H) the Handicapped Programs Technical  
22       Amendments Act of 1988 (Public Law 100–  
23       630);

24               “(I) the Indian Health Care Amendments  
25       of 1988 (Public Law 100–713); and

1           “(J) the Disadvantaged Minority Health  
2           Improvement Act of 1990 (Public Law 101–  
3           527);

4           “(33) the United States has affirmed that his-  
5           torical and unique legal relationship to the Hawaiian  
6           people by authorizing the provision of services to  
7           Native Hawaiians to address problems of alcohol  
8           and drug abuse under the Anti-Drug Abuse Act of  
9           1986 (21 U.S.C. 801 note; Public Law 99–570);

10          “(34) in addition, the United States—

11           “(A) has recognized that Native Hawai-  
12           ians, as aboriginal, indigenous, native people of  
13           Hawai’i, are a unique population group in Ha-  
14           wai’i and in the continental United States; and

15           “(B) has so declared in—

16           “(i) the documents of the Office of  
17           Management and Budget entitled—

18           “(I) ‘Standards for Maintaining,  
19           Collecting, and Presenting Federal  
20           Data on Race and Ethnicity’ and  
21           dated October 30, 1997; and

22           “(II) ‘Provisional Guidance on  
23           the Implementation of the 1997  
24           Standards for Federal Data on Race

1 and Ethnicity’ and dated December  
2 15, 2000;

3 “(ii) the document entitled ‘Guidance  
4 on Aggregation and Allocation of Data on  
5 Race for Use in Civil Rights Monitoring  
6 and Enforcement’ (Bulletin 00–02 to the  
7 Heads of Executive Departments and Es-  
8 tablishments) and dated March 9, 2000;

9 “(iii) the document entitled ‘Questions  
10 and Answers when Designing Surveys for  
11 Information Collections’ (Memorandum for  
12 the President’s Management Council) and  
13 dated January 20, 2006;

14 “(iv) Executive order number 13125  
15 (64 Fed. Reg. 31105; relating to increas-  
16 ing participation of Asian Americans and  
17 Pacific Islanders in Federal programs)  
18 (June 7, 1999);

19 “(v) the document entitled ‘HHS  
20 Tribal Consultation Policy’ and dated Jan-  
21 uary 2005; and

22 “(vi) the Department of Health and  
23 Human Services Intradepartment Council  
24 on Native American Affairs, Revised Char-  
25 ter, dated March 7, 2005; and

1           “(35) despite the United States having ex-  
 2           pressed in Public Law 103–150 (107 Stat. 1510) its  
 3           commitment to a policy of reconciliation with the  
 4           Native Hawaiian people for past grievances—

5                   “(A) the unmet health needs of the Native  
 6           Hawaiian people remain severe; and

7                   “(B) the health status of the Native Ha-  
 8           waiian people continues to be far below that of  
 9           the general population of the United States.

10          “(b) FINDING OF UNMET NEEDS AND HEALTH DIS-  
 11       PARITIES.—Congress finds that the unmet needs and seri-  
 12       ous health disparities that adversely affect the Native Ha-  
 13       waiian people include the following:

14                   “(1) CHRONIC DISEASE AND ILLNESS.—

15                   “(A) CANCER.—

16                           “(i) IN GENERAL.—With respect to all  
 17           cancer—

18                                   “(I) as an underlying cause of  
 19           death in the State, the cancer mor-  
 20           tality rate of Native Hawaiians of  
 21           218.3 per 100,000 residents is 50 per-  
 22           cent higher than the rate for the total  
 23           population of the State of 145.4 per  
 24           100,000 residents;

1                   “(II) Native Hawaiian males  
2                   have the highest cancer mortality  
3                   rates in the State for cancers of the  
4                   lung, colon, and rectum, and for all  
5                   cancers combined;

6                   “(III) Native Hawaiian females  
7                   have the highest cancer mortality  
8                   rates in the State for cancers of the  
9                   lung, breast, colon, rectum, pancreas,  
10                  stomach, ovary, liver, cervix, kidney,  
11                  and uterus, and for all cancers com-  
12                  bined; and

13                  “(IV) for the period of 1995  
14                  through 2000—

15                       “(aa) the cancer mortality  
16                       rate for all cancers for Native  
17                       Hawaiian males of 217 per  
18                       100,000 residents was 22 percent  
19                       higher than the rate for all males  
20                       in the State of 179 per 100,000  
21                       residents; and

22                       “(bb) the cancer mortality  
23                       rate for all cancers for Native  
24                       Hawaiian females of 192 per  
25                       100,000 residents was 64 percent

1 higher than the rate for all fe-  
2 males in the State of 117 per  
3 100,000 residents.

4 “(ii) BREAST CANCER.—With respect  
5 to breast cancer—

6 “(I) Native Hawaiians have the  
7 highest mortality rate in the State  
8 from breast cancer (30.79 per  
9 100,000 residents), which is 33 per-  
10 cent higher than the rate for Cauca-  
11 sian Americans (23.07 per 100,000  
12 residents) and 106 percent higher  
13 than the rate for Chinese Americans  
14 (14.96 per 100,000 residents); and

15 “(II) nationally, Native Hawai-  
16 ians have the third-highest mortality  
17 rate as a result of breast cancer (25.0  
18 per 100,000 residents), behind Afri-  
19 can-Americans (31.4 per 100,000  
20 residents) and Caucasian Americans  
21 (27.0 per 100,000 residents).

22 “(iii) CANCER OF THE CERVIX.—Na-  
23 tive Hawaiians have the highest mortality  
24 rate as a result of cancer of the cervix in  
25 the State (3.65 per 100,000 residents), fol-

lowed by Filipino Americans (2.69 per 100,000 residents) and Caucasian Americans (2.61 per 100,000 residents).

“(iv) LUNG CANCER.—Native Hawaiian males and females have the highest mortality rates as a result of lung cancer in the State, at 74.79 per 100,000 for males and 47.84 per 100,000 females, which are higher than the rates for the total population of the State by 48 percent for males and 93 percent for females.

“(v) PROSTATE CANCER.—Native Hawaiian males have the third-highest mortality rate as a result of prostate cancer in the State (21.48 per 100,000 residents), with Caucasian Americans having the highest mortality rate as a result of prostate cancer (23.96 per 100,000 residents).

“(B) DIABETES.—With respect to diabetes, in 2004—

“(i) Native Hawaiians had the highest mortality rate as a result of diabetes mellitis (28.9 per 100,000 residents) in the State, which is 119 percent higher than

1 the rate for all racial groups in the State  
2 (13.2 per 100,000 residents);

3 “(ii) the prevalence of diabetes for  
4 Native Hawaiians was 12.7 percent, which  
5 is 87 percent higher than the total preva-  
6 lence for all residents of the State of 6.8  
7 percent; and

8 “(iii) a higher percentage of Native  
9 Hawaiians with diabetes experienced dia-  
10 betic retinopathy, as compared to other  
11 population groups in the State.

12 “(C) ASTHMA.—With respect to asthma  
13 and lower respiratory disease—

14 “(i) in 2004, mortality rates for Na-  
15 tive Hawaiians (31.6 per 100,000 resi-  
16 dents) from chronic lower respiratory dis-  
17 ease were 52 percent higher than rates for  
18 the total population of the State (20.8 per  
19 100,000 residents); and

20 “(ii) in 2005, the prevalence of cur-  
21 rent asthma in Native Hawaiian adults  
22 was 12.8 percent, which is 71 percent  
23 higher than the prevalence of the total  
24 population of the State of 7.5 percent.

25 “(D) CIRCULATORY DISEASES.—

1 “(i) HEART DISEASE.—With respect  
2 to heart disease—

3 “(I) in 2004, the mortality rate  
4 for Native Hawaiians as a result of  
5 heart disease (305.5 per 100,000 resi-  
6 dents) was 86 percent higher than the  
7 rate for the total population of the  
8 State (164.3 per 100,000 residents);  
9 and

10 “(II) in 2005, the prevalence for  
11 heart attack was 4.4 percent for Na-  
12 tive Hawaiians, which is 22 percent  
13 higher than the prevalence for the  
14 total population of 3.6 percent.

15 “(ii) CEREBROVASCULAR DISEASES.—  
16 With respect to cerebrovascular diseases—

17 “(I) the mortality rate from cere-  
18 brovascular diseases for Native Ha-  
19 waiians (75.6 percent) was 64 percent  
20 higher than the rate for the total pop-  
21 ulation of the State (46 percent); and

22 “(II) in 2005, the prevalence for  
23 stroke was 4.9 percent for Native Ha-  
24 waiians, which is 69 percent higher

1                   than the prevalence for the total pop-  
2                   ulation of the State (2.9 percent).

3                   “(iii) OTHER CIRCULATORY DIS-  
4                   EASES.—With respect to other circulatory  
5                   diseases (including high blood pressure and  
6                   atherosclerosis)—

7                   “(I) in 2004, the mortality rate  
8                   for Native Hawaiians of 20.6 per  
9                   100,000 residents was 46 percent  
10                  higher than the rate for the total pop-  
11                  ulation of the State of 14.1 per  
12                  100,000 residents; and

13                  “(II) in 2005, the prevalence of  
14                  high blood pressure for Native Hawai-  
15                  ians was 26.7 percent, which is 10  
16                  percent higher than the prevalence for  
17                  the total population of the State of  
18                  24.2 percent.

19                  “(2) INFECTIOUS DISEASE AND ILLNESS.—  
20                  With respect to infectious disease and illness—

21                  “(A) in 1998, Native Hawaiians comprised  
22                  20 percent of all deaths resulting from infec-  
23                  tious diseases in the State for all ages; and

24                  “(B) the incidence of acquired immune de-  
25                  ficiency syndrome for Native Hawaiians is at

1 least twice as high per 100,000 residents (10.5  
 2 percent) than the incidence for any other non-  
 3 Caucasian group in the State.

4 “(3) INJURIES.—With respect to injuries—

5 “(A) the mortality rate for Native Hawai-  
 6 ians as a result of injuries (32 per 100,000  
 7 residents) is 16 percent higher than the rate for  
 8 the total population of the State (27.5 per  
 9 100,000 residents);

10 “(B) 32 percent of all deaths of individuals  
 11 between the ages of 18 and 24 years resulting  
 12 from injuries were Native Hawaiian; and

13 “(C) the 2 primary causes of Native Ha-  
 14 waiian deaths in that age group were motor ve-  
 15 hicle accidents (30 percent) and intentional self-  
 16 harm (39 percent).

17 “(4) DENTAL HEALTH.—With respect to dental  
 18 health—

19 “(A) Native Hawaiian children experience  
 20 significantly higher rates of dental caries and  
 21 unmet treatment needs as compared to other  
 22 children in the continental United States and  
 23 other ethnic groups in the State;

24 “(B) the prevalence rate of dental caries in  
 25 the primary (baby) teeth of Native Hawaiian

1 children aged 5 to 9 years of 4.2 per child is  
 2 more than twice the national average rate of  
 3 1.9 per child in that age range;

4 “(C) 81.9 percent of Native Hawaiian chil-  
 5 dren aged 6 to 8 have 1 or more decayed teeth,  
 6 as compared to—

7 “(i) 53 percent for children in that  
 8 age range in the continental United States;  
 9 and

10 “(ii) 72.7 percent of other children in  
 11 that age range in the State; and

12 “(D) 21 percent of Native Hawaiian chil-  
 13 dren aged 5 demonstrate signs of baby bottle  
 14 tooth decay, which is generally characterized as  
 15 severe, progressive dental disease in early child-  
 16 hood and associated with high rates of dental  
 17 disorders, as compared to 5 percent for children  
 18 of that age in the continental United States.

19 “(5) LIFE EXPECTANCY.—With respect to life  
 20 expectancy—

21 “(A) Native Hawaiians have the lowest life  
 22 expectancy of all population groups in the  
 23 State;

24 “(B) between 1910 and 1980, the life ex-  
 25 pectancy of Native Hawaiians from birth has

1           ranged from 5 to 10 years less than that of the  
2           overall State population average;

3           “(C) the most recent tables for 1990 show  
4           Native Hawaiian life expectancy at birth (74.27  
5           years) to be approximately 5 years less than  
6           that of the total State population (78.85 years);  
7           and

8           “(D) except as provided in the life expect-  
9           ancy calculation for 1920, Native Hawaiians  
10          have had the shortest life expectancy of all  
11          major ethnic groups in the United States since  
12          1910.

13          “(6) MATERNAL AND CHILD HEALTH.—

14                 “(A) IN GENERAL.—With respect to ma-  
15                 ternal and child health, in 2000—

16                         “(i) 39 percent of all deaths of chil-  
17                         dren under the age of 18 years in the  
18                         State were Native Hawaiian;

19                         “(ii) perinatal conditions accounted  
20                         for 38 percent of all Native Hawaiian  
21                         deaths in that age group;

22                         “(iii) Native Hawaiian infant mor-  
23                         tality rates (9.8 per 1,000 live births)  
24                         are—

25                                 “(I) the highest in the State; and

1                   “(II) 151 percent higher than the  
2                   rate for Caucasian infants (3.9 per  
3                   1,000 live births); and

4                   “(iv) Native Hawaiians have 1 of the  
5                   highest infant mortality rates in the  
6                   United States, second only to the rate for  
7                   African-Americans of 13.6 per 1,000 live  
8                   births.

9                   “(B) PRENATAL CARE.—With respect to  
10                  prenatal care—

11                  “(i) as of 2005, Native Hawaiian  
12                  women have the highest prevalence (20.9  
13                  percent) of having had no prenatal care  
14                  during the first trimester of pregnancy, as  
15                  compared to the 5 largest ethnic groups in  
16                  the State;

17                  “(ii) of the mothers in the State who  
18                  received no prenatal care in the first tri-  
19                  mester, 33 percent were Native Hawaiian;

20                  “(iii) in 2005, 41 percent of mothers  
21                  with live births who had not completed  
22                  high school were Native Hawaiian; and

23                  “(iv) in every region of the State,  
24                  many Native Hawaiian newborns begin life

1 in a potentially hazardous circumstance,  
2 far higher than any other racial group.

3 “(C) BIRTHS.—With respect to births, in  
4 2005—

5 “(i) 45.2 percent of live births to Na-  
6 tive Hawaiian mothers were nonmarital,  
7 putting the affected infants at higher risk  
8 of low birth weight and infant mortality;

9 “(ii) of the 2,934 live births to Native  
10 Hawaiian single mothers, 9 percent were  
11 low birth weight (defined as a weight of  
12 less than 2,500 grams); and

13 “(iii) 43.7 percent of all low birth-  
14 weight infants born to single mothers in  
15 the State were Native Hawaiian.

16 “(D) TEEN PREGNANCIES.—With respect  
17 to births, in 2005—

18 “(i) Native Hawaiians had the highest  
19 rate of births to mothers under the age of  
20 18 years (5.8 percent), as compared to the  
21 rate of 2.7 percent for the total population  
22 of the State; and

23 “(ii) nearly 62 percent of all mothers  
24 in the State under the age of 19 years  
25 were Native Hawaiian.

1           “(E) FETAL MORTALITY.—With respect to  
2 fetal mortality, in 2005—

3           “(i) Native Hawaiians had the highest  
4 number of fetal deaths in the State, as  
5 compared to Caucasian, Japanese, and Fil-  
6 ipino residents; and

7           “(ii)(I) 17.2 percent of all fetal deaths  
8 in the State were associated with expectant  
9 Native Hawaiian mothers; and

10          “(II) 43.5 percent of those Native  
11 Hawaiian mothers were under the age of  
12 25 years.

13          “(7) BEHAVIORAL HEALTH.—

14          “(A) ALCOHOL AND DRUG ABUSE.—With  
15 respect to alcohol and drug abuse—

16          “(i)(I) in 2005, Native Hawaiians had  
17 the highest prevalence of smoking of 27.9  
18 percent, which is 64 percent higher than  
19 the rate for the total population of the  
20 State (17 percent); and

21          “(II) 53 percent of Native Hawaiians  
22 reported having smoked at least 100 ciga-  
23 rettes in their lifetime, as compared to  
24 43.3 percent for the total population of the  
25 State;

1 “(ii) 33 percent of Native Hawaiians  
 2 in grade 8 have smoked cigarettes at least  
 3 once in their lifetime, as compared to—

4 “(I) 22.5 percent for all youth in  
 5 the State; and

6 “(II) 28.4 percent of residents of  
 7 the United States in grade 8;

8 “(iii) Native Hawaiians have the high-  
 9 est prevalence of binge drinking of 19.9  
 10 percent, which is 21 percent higher than  
 11 the prevalence for the total population of  
 12 the State (16.5 percent);

13 “(iv) the prevalence of heavy drinking  
 14 among Native Hawaiians (10.1 percent) is  
 15 36 percent higher than the prevalence for  
 16 the total population of the State (7.4 per-  
 17 cent);

18 “(v)(I) in 2003, 17.2 percent of Na-  
 19 tive Hawaiians in grade 6, 45.1 percent of  
 20 Naive Hawaiians in grade 8, 68.9 percent  
 21 of Native Hawaiians in grade 10, and 78.1  
 22 percent of Native Hawaiians in grade 12  
 23 reported using alcohol at least once in  
 24 their lifetime, as compared to 13.2, 36.8,

1 59.1, and 72.5 percent, respectively, of all  
2 adolescents in the State; and

3 “(II) 62.1 percent Native Hawaiians  
4 in grade 12 reported being drunk at least  
5 once, which is 20 percent higher than the  
6 percentage for all adolescents in the State  
7 (51.6 percent);

8 “(vi) on entering grade 12, 60 percent  
9 of Native Hawaiian adolescents reported  
10 having used illicit drugs, including  
11 inhalants, at least once in their lifetime, as  
12 compared to—

13 “(I) 46.9 percent of all adoles-  
14 cents in the State; and

15 “(II) 52.8 of adolescents in the  
16 United States;

17 “(vii) on entering grade 12, 58.2 per-  
18 cent of Native Hawaiian adolescents re-  
19 ported having used marijuana at least  
20 once, which is 31 percent higher than the  
21 rate of other adolescents in the State (44.4  
22 percent);

23 “(viii) in 2006, Native Hawaiians rep-  
24 resented 40 percent of the total admissions  
25 to substance abuse treatment programs

1 funded by the State Department of Health;  
2 and

3 “(ix) in 2003, Native Hawaiian ado-  
4 lescents reported the highest prevalence for  
5 methamphetamine use in the State, fol-  
6 lowed by Caucasian and Filipino adoles-  
7 cents.

8 “(B) CRIME.—With respect to crime—

9 “(i) during the period of 1992 to  
10 2002, Native Hawaiian arrests for violent  
11 crimes decreased, but the rate of arrest re-  
12 mained 38.3 percent higher than the rate  
13 of the total population of the State;

14 “(ii) the robbery arrest rate in 2002  
15 among Native Hawaiian juveniles and  
16 adults was 59 percent higher (6.2 arrests  
17 per 100,000 residents) than the rate for  
18 the total population of the State (3.9 ar-  
19 rests per 100,000 residents);

20 “(iii) in 2002—

21 “(I) Native Hawaiian men com-  
22 prised between 35 percent and 43 per-  
23 cent of each security class in the State  
24 prison system;

1                   “(II) Native Hawaiian women  
2                   comprised between 38.1 percent to  
3                   50.3 percent of each class of female  
4                   prison inmates in the State;

5                   “(III) Native Hawaiians com-  
6                   prised 39.5 percent of the total incar-  
7                   cerated population of the State; and

8                   “(IV) Native Hawaiians com-  
9                   prised 40 percent of the total sen-  
10                  tenced felon population in the State,  
11                  as compared to 25 percent for Cauca-  
12                  sians, 12 percent for Filipinos, and 5  
13                  percent for Samoans;

14                  “(iv) Native Hawaiians are overrepre-  
15                  sented in the State prison population;

16                  “(v) of the 2,260 incarcerated Native  
17                  Hawaiians, 70 percent are between 20 and  
18                  40 years of age; and

19                  “(vi) based on anecdotal information,  
20                  Native Hawaiians are estimated to com-  
21                  prise between 60 percent and 70 percent of  
22                  all jail and prison inmates in the State.

23                  “(C) DEPRESSION AND SUICIDE.—With re-  
24                  spect to depression and suicide—

1 “(i)(I) in 1999, the prevalence of de-  
2 pression among Native Hawaiians was 15  
3 percent, as compared to the national aver-  
4 age of approximately 10 percent; and

5 “(II) Native Hawaiian females had a  
6 higher prevalence of depression (16.9 per-  
7 cent) than Native Hawaiian males (11.9  
8 percent);

9 “(ii) in 2000—

10 “(I) Native Hawaiian adolescents  
11 had a significantly higher suicide at-  
12 tempt rate (12.9 percent) than the  
13 rate for other adolescents in the State  
14 (9.6 percent); and

15 “(II) 39 percent of all Native  
16 Hawaiian adult deaths were due to  
17 suicide; and

18 “(iii) in 2006, the prevalence of obses-  
19 sive compulsive disorder among Native Ha-  
20 waiian adolescent girls was 17.7 percent,  
21 as compared to a rate of—

22 “(I) 9.2 percent for Native Ha-  
23 waiian boys and non-Hawaiian girls;  
24 and

25 “(II) a national rate of 2 percent.

1           “(8) OVERWEIGHTNESS AND OBESITY.—With  
2       respect to overweightness and obesity—

3           “(A) during the period of 2000 through  
4       2003, Native Hawaiian males and females had  
5       the highest age-adjusted prevalence rates for  
6       obesity (40.5 and 32.5 percent, respectively),  
7       which was—

8           “(i) with respect to individuals of full  
9       Native Hawaiian ancestry, 145 percent  
10      higher than the rate for the total popu-  
11      lation of the State (16.5 per 100,000); and

12          “(ii) with respect to individuals with  
13      less than 100 percent Native Hawaiian an-  
14      cestry, 97 percent higher than the total  
15      population of the State; and

16          “(B) for 2005, the prevalence of obesity  
17      among Native Hawaiians was 43.1 percent,  
18      which was 119 percent higher than the preva-  
19      lence for the total population of the State (19.7  
20      percent).

21          “(9) FAMILY AND CHILD HEALTH.—With re-  
22      spect to family and child health—

23          “(A) in 2000, the prevalence of single-par-  
24      ent families with minor children was highest  
25      among Native Hawaiian households, as com-

pared to all households in the State (15.8 percent and 8.1 percent, respectively);

“(B) in 2002, nonmarital births accounted for 56.8 percent of all live births among Native Hawaiians, as compared to 34 percent of all live births in the State;

“(C) the rate of confirmed child abuse and neglect among Native Hawaiians has consistently been 3 to 4 times the rates of other major ethnic groups, with a 3-year average of 63.9 cases in 2002, as compared to 12.8 cases for the total population of the State;

“(D) spousal abuse or abuse of an intimate partner was highest for Native Hawaiians, as compared to all cases of abuse in the State (4.5 percent and 2.2 percent, respectively); and

“(E)(i)  $\frac{1}{2}$  of uninsured adults in the State have family incomes below 200 percent of the Federal poverty level; and

“(ii) Native Hawaiians residing in the State and the continental United States have a higher rate of uninsurance than other ethnic groups in the State and continental United States (14.5 percent and 9.5 percent, respectively).

1           “(10) HEALTH PROFESSIONS EDUCATION AND  
2           TRAINING.—With respect to health professions edu-  
3           cation and training—

4                   “(A) in 2003, adult Native Hawaiians had  
5                   a higher rate of high school completion, as com-  
6                   pared to the total adult population of the State  
7                   (49.4 percent and 34.4 percent, respectively);

8                   “(B) Native Hawaiian physicians make up  
9                   4 percent of the total physician workforce in the  
10                  State; and

11                  “(C) in 2004, Native Hawaiians com-  
12                  prised—

13                           “(i) 11.25 percent of individuals who  
14                           earned bachelor’s degrees;

15                           “(ii) 6 percent of individuals who  
16                           earned master’s degrees;

17                           “(iii) 3 percent of individuals who  
18                           earned doctorate degrees;

19                           “(iv) 7.9 percent of the credited stu-  
20                           dent body at the University of Hawai’i;

21                           “(v) 0.4 percent of the instructional  
22                           faculty at the University of Hawai’i at  
23                           Manoa; and

1                   “(vi) 8.4 percent of the instructional  
2                   faculty at the University of Hawai‘i Com-  
3                   munity Colleges.

4   **“SEC. 3. DEFINITIONS.**

5       “In this Act:

6           “(1) DEPARTMENT.—The term ‘Department’  
7       means the Department of Health and Human Serv-  
8       ices.

9           “(2) DISEASE PREVENTION.—The term ‘disease  
10      prevention’ includes—

11               “(A) immunizations;

12               “(B) control of high blood pressure;

13               “(C) control of sexually transmittable dis-  
14      eases;

15               “(D) prevention and control of chronic dis-  
16      eases;

17               “(E) control of toxic agents;

18               “(F) occupational safety and health;

19               “(G) injury prevention;

20               “(H) fluoridation of water;

21               “(I) control of infectious agents; and

22               “(J) provision of mental health care.

23           “(3) HEALTH PROMOTION.—The term ‘health  
24      promotion’ includes—

1           “(A) pregnancy and infant care, including  
2 prevention of fetal alcohol syndrome;

3           “(B) cessation of tobacco smoking;

4           “(C) reduction in the misuse of alcohol and  
5 harmful illicit drugs;

6           “(D) improvement of nutrition;

7           “(E) improvement in physical fitness;

8           “(F) family planning;

9           “(G) control of stress;

10          “(H) reduction of major behavioral risk  
11 factors and promotion of healthy lifestyle prac-  
12 tices; and

13          “(I) integration of cultural approaches to  
14 health and well-being (including traditional  
15 practices relating to the atmosphere (lewa lani),  
16 land (‘aina), water (wai), and ocean (kai)).

17          “(4) HEALTH SERVICE.—The term ‘health serv-  
18 ice’ means—

19           “(A) service provided by a physician, phy-  
20 sician’s assistant, nurse practitioner, nurse,  
21 dentist, or other health professional;

22           “(B) a diagnostic laboratory or radiologic  
23 service;

24           “(C) a preventive health service (including  
25 a perinatal service, well child service, family

1 planning service, nutrition service, home health  
2 service, sports medicine and athletic training  
3 service, and, generally, any service associated  
4 with enhanced health and wellness);

5 “(D) emergency medical service, including  
6 a service provided by a first responder, emer-  
7 gency medical technician, or mobile intensive  
8 care technician;

9 “(E) a transportation service required for  
10 adequate patient care;

11 “(F) a preventive dental service;

12 “(G) a pharmaceutical and medicament  
13 service;

14 “(H) a mental health service, including a  
15 service provided by a psychologist or social  
16 worker;

17 “(I) a genetic counseling service;

18 “(J) a health administration service, in-  
19 cluding a service provided by a health program  
20 administrator;

21 “(K) a health research service, including a  
22 service provided by an individual with an ad-  
23 vanced degree in medicine, nursing, psychology,  
24 social work, or any other related health pro-  
25 gram;

1           “(L) an environmental health service, in-  
 2           cluding a service provided by an epidemiologist,  
 3           public health official, medical geographer, or  
 4           medical anthropologist, or an individual special-  
 5           izing in biological, chemical, or environmental  
 6           health determinants;

7           “(M) a primary care service that may lead  
 8           to specialty or tertiary care; and

9           “(N) a complementary healing practice, in-  
 10          cluding a practice performed by a traditional  
 11          Native Hawaiian healer.

12          “(5) NATIVE HAWAIIAN.—The term ‘Native  
 13          Hawaiian’ means any individual who is Kanaka  
 14          Maoli (a descendant of the aboriginal people who,  
 15          prior to 1778, occupied and exercised sovereignty in  
 16          the area that now constitutes the State), as evi-  
 17          denced by—

18               “(A) genealogical records;

19               “(B) kama‘aina witness verification from  
 20          Native Hawaiian Kupuna (elders); or

21               “(C) birth records of the State or any  
 22          other State or territory of the United States.

23          “(6) NATIVE HAWAIIAN HEALTH CARE SYS-  
 24          TEM.—The term ‘Native Hawaiian health care sys-

1       tem’ means any of up to 8 entities in the State  
2       that—

3               “(A) is organized under the laws of the  
4       State;

5               “(B) provides or arranges for the provision  
6       of health services for Native Hawaiians in the  
7       State;

8               “(C) is a public or nonprofit private entity;

9               “(D) has Native Hawaiians significantly  
10      participating in the planning, management, pro-  
11      vision, monitoring, and evaluation of health  
12      services;

13              “(E) addresses the health care needs of an  
14      island’s Native Hawaiian population; and

15              “(F) is recognized by Papa Ola Lokahi—

16                      “(i) for the purpose of planning, con-  
17                      ducting, or administering programs, or  
18                      portions of programs, authorized by this  
19                      Act for the benefit of Native Hawaiians;  
20                      and

21                      “(ii) as having the qualifications and  
22                      the capacity to provide the services and  
23                      meet the requirements under—

24                              “(I) the contract that each Na-  
25                              tive Hawaiian health care system en-

1                   ters into with the Secretary under this  
2                   Act; or

3                   “(II) the grant each Native Ha-  
4                   waiian health care system receives  
5                   from the Secretary under this Act.

6                   “(7) NATIVE HAWAIIAN HEALTH CENTER.—The  
7                   term ‘Native Hawaiian Health Center’ means any  
8                   organization that is a primary health care provider  
9                   that—

10                   “(A) has a governing board composed of  
11                   individuals, at least 50 percent of whom are  
12                   Native Hawaiians;

13                   “(B) has demonstrated cultural com-  
14                   petency in a predominantly Native Hawaiian  
15                   community;

16                   “(C) serves a patient population that—

17                   “(i) is made up of individuals at least  
18                   50 percent of whom are Native Hawaiian;  
19                   or

20                   “(ii) has not less than 2,500 Native  
21                   Hawaiians as annual users of services; and

22                   “(D) is recognized by Papa Ola Lokahi as  
23                   having met each of the criteria described in  
24                   subparagraphs (A) through (C).

1           “(8) NATIVE HAWAIIAN HEALTH TASK  
2           FORCE.—The term ‘Native Hawaiian Health Task  
3           Force’ means a task force established by the State  
4           Council of Hawaiian Homestead Associations to im-  
5           plement health and wellness strategies in Native Ha-  
6           waiian communities.

7           “(9) NATIVE HAWAIIAN ORGANIZATION.—The  
8           term ‘Native Hawaiian organization’ means any or-  
9           ganization that—

10                   “(A) serves the interests of Native Hawai-  
11                   ians; and

12                   “(B)(i) is recognized by Papa Ola Lokahi  
13                   for planning, conducting, or administering pro-  
14                   grams authorized under this Act for the benefit  
15                   of Native Hawaiians; and

16                   “(ii) is a public or nonprofit private entity.

17           “(10) OFFICE OF HAWAIIAN AFFAIRS.—The  
18           term ‘Office of Hawaiian Affairs’ means the govern-  
19           mental entity that—

20                   “(A) is established under article XII, sec-  
21                   tions 5 and 6, of the Hawai’i State Constitu-  
22                   tion; and

23                   “(B) charged with the responsibility to for-  
24                   mulate policy relating to the affairs of Native  
25                   Hawaiians.

1 “(11) PAPA OLA LOKAHI.—

2 “(A) IN GENERAL.—The term ‘Papa Ola  
3 Lokahi’ means an organization that—

4 “(i) is composed of public agencies  
5 and private organizations focusing on im-  
6 proving the health status of Native Hawai-  
7 ians; and

8 “(ii) governed by a board the mem-  
9 bers of which may include representation  
10 from—

11 “(I) E Ola Mau;

12 “(II) the Office of Hawaiian Af-  
13 fairs;

14 “(III) Alu Like, Inc.;

15 “(IV) the University of Hawaii;

16 “(V) the Hawai’i State Depart-  
17 ment of Health;

18 “(VI) the Native Hawaiian  
19 Health Task Force;

20 “(VII) the Hawai’i State Primary  
21 Care Association;

22 “(VIII) Ahahui O Na Kauka, the  
23 Native Hawaiian Physicians Associa-  
24 tion;

1                   “(IX) Ho‘ola Lahui Hawaii, or a  
 2                   health care system serving the islands  
 3                   of Kaua‘i or Ni‘ihau (which may be  
 4                   composed of as many health care cen-  
 5                   ters as are necessary to meet the  
 6                   health care needs of the Native Ha-  
 7                   waiians of those islands);

8                   “(X) Ke Ola Mamo, or a health  
 9                   care system serving the island of  
 10                  O‘ahu (which may be composed of as  
 11                  many health care centers as are nec-  
 12                  essary to meet the health care needs  
 13                  of the Native Hawaiians of that is-  
 14                  land);

15                  “(XI) Na Pu‘uwai or a health  
 16                  care system serving the islands of  
 17                  Moloka‘i or Lana‘i (which may be  
 18                  composed of as many health care cen-  
 19                  ters as are necessary to meet the  
 20                  health care needs of the Native Ha-  
 21                  waiians of those islands);

22                  “(XII) Hui No Ke Ola Pono, or  
 23                  a health care system serving the is-  
 24                  land of Maui (which may be composed  
 25                  of as many health care centers as are

1 necessary to meet the health care  
 2 needs of the Native Hawaiians of that  
 3 island);

4 “(XIII) Hui Malama Ola Na  
 5 ‘Oiwi, or a health care system serving  
 6 the island of Hawai’i (which may be  
 7 composed of as many health care cen-  
 8 ters as are necessary to meet the  
 9 health care needs of the Native Ha-  
 10 waiians of that island);

11 “(XIV) such other Native Hawai-  
 12 ian health care systems as are cer-  
 13 tified and recognized by Papa Ola  
 14 Lokahi in accordance with this Act;  
 15 and

16 “(XV) such other member orga-  
 17 nizations as the Board of Papa Ola  
 18 Lokahi shall admit from time to time,  
 19 based on satisfactory demonstration of  
 20 a record of contribution to the health  
 21 and well-being of Native Hawaiians.

22 “(B) EXCLUSION.—The term ‘Papa Ola  
 23 Lokahi’ does not include any organization de-  
 24 scribed in subparagraph (A) for which the Sec-  
 25 retary has made a determination that the orga-

1           nization has not developed a mission statement  
2           that includes—

3                   “(i) clearly defined goals and objec-  
4                   tives for the contributions the organization  
5                   will make to—

6                           “(I) Native Hawaiian health care  
7                           systems; and

8                           “(II) the national policy de-  
9                           scribed in section 4; and

10                   “(ii) an action plan for carrying out  
11                   those goals and objectives.

12                   “(12) SECRETARY.—The term ‘Secretary’  
13                   means the Secretary of Health and Human Services.

14                   “(13) STATE.—The term ‘State’ means the  
15                   State of Hawaii.

16                   “(14) TRADITIONAL NATIVE HAWAIIAN HEAL-  
17                   ER.—The term ‘traditional Native Hawaiian healer’  
18                   means a practitioner—

19                           “(A) who—

20                                   “(i) is of Native Hawaiian ancestry;  
21                                   and

22                                   “(ii) has the knowledge, skills, and ex-  
23                                   perience in direct personal health care of  
24                                   individuals; and

1 “(B) the knowledge, skills, and experience  
 2 of whom are based on demonstrated learning of  
 3 Native Hawaiian healing practices acquired  
 4 by—

5 “(i) direct practical association with  
 6 Native Hawaiian elders; and

7 “(ii) oral traditions transmitted from  
 8 generation to generation.

9 **“SEC. 4. DECLARATION OF NATIONAL NATIVE HAWAIIAN**  
 10 **HEALTH POLICY.**

11 “(a) DECLARATION.—Congress declares that it is the  
 12 policy of the United States, in fulfillment of special re-  
 13 sponsibilities and legal obligations of the United States to  
 14 the indigenous people of Hawai’i resulting from the unique  
 15 and historical relationship between the United States and  
 16 the indigenous people of Hawaii—

17 “(1) to raise the health status of Native Hawai-  
 18 ians to the highest practicable health level; and

19 “(2) to provide Native Hawaiian health care  
 20 programs with all resources necessary to effectuate  
 21 that policy.

22 “(b) INTENT OF CONGRESS.—It is the intent of Con-  
 23 gress that—

24 “(1) health care programs having a dem-  
 25 onstrated effect of substantially reducing or elimi-

1 nating the overrepresentation of Native Hawaiians  
 2 among those suffering from chronic and acute dis-  
 3 ease and illness, and addressing the health needs of  
 4 Native Hawaiians (including perinatal, early child  
 5 development, and family-based health education  
 6 needs), shall be established and implemented; and

7 “(2) the United States—

8 “(A) raise the health status of Native Ha-  
 9 waiians by the year 2010 to at least the levels  
 10 described in the goals contained within Healthy  
 11 People 2010 (or successor standards); and

12 “(B) incorporate within health programs in  
 13 the United States activities defined and identi-  
 14 fied by Kanaka Maoli, such as—

15 “(i) incorporating and supporting the  
 16 integration of cultural approaches to health  
 17 and well-being, including programs using  
 18 traditional practices relating to the atmos-  
 19 phere (lewa lani), land (’aina), water (wai),  
 20 or ocean (kai);

21 “(ii) increasing the number of Native  
 22 Hawaiian health and allied-health pro-  
 23 viders who provide care to or have an im-  
 24 pact on the health status of Native Hawai-  
 25 ians;

1 “(iii) increasing the use of traditional  
 2 Native Hawaiian foods in—

3 “(I) the diets and dietary pref-  
 4 erences of people, including those of  
 5 students; and

6 “(II) school feeding programs;

7 “(iv) identifying and instituting Na-  
 8 tive Hawaiian cultural values and practices  
 9 within the corporate cultures of organiza-  
 10 tions and agencies providing health serv-  
 11 ices to Native Hawaiians;

12 “(v) facilitating the provision of Na-  
 13 tive Hawaiian healing practices by Native  
 14 Hawaiian healers for individuals desiring  
 15 that assistance;

16 “(vi) supporting training and edu-  
 17 cation activities and programs in tradi-  
 18 tional Native Hawaiian healing practices  
 19 by Native Hawaiian healers; and

20 “(vii) demonstrating the integration of  
 21 health services for Native Hawaiians, par-  
 22 ticularly those that integrate mental, phys-  
 23 ical, and dental services in health care.

24 “(c) REPORT.—The Secretary shall submit to the  
 25 President, for inclusion in each report required to be sub-

mitted to Congress under section 12, a report on the progress made toward meeting the national policy described in this section.

**“SEC. 5. COMPREHENSIVE HEALTH CARE MASTER PLAN  
FOR NATIVE HAWAIIANS.**

“(a) DEVELOPMENT.—

“(1) IN GENERAL.—The Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of coordinating, implementing, and updating a Native Hawaiian comprehensive health care master plan that is designed—

“(A) to promote comprehensive health promotion and disease prevention services;

“(B) to maintain and improve the health status of Native Hawaiians; and

“(C) to support community-based initiatives that are reflective of holistic approaches to health.

“(2) CONSULTATION.—

“(A) IN GENERAL.—In carrying out this section, Papa Ola Lokahi and the Office of Hawaiian Affairs shall consult with representatives of—

1 “(i) the Native Hawaiian health care  
2 systems;

3 “(ii) the Native Hawaiian health cen-  
4 ters; and

5 “(iii) the Native Hawaiian commu-  
6 nity.

7 “(B) MEMORANDA OF UNDERSTANDING.—  
8 Papa Ola Lokahi and the Office of Hawaiian  
9 Affairs may enter into memoranda of under-  
10 standing or agreement for the purpose of ac-  
11 quiring joint funding, or for such other pur-  
12 poses as are necessary, to accomplish the objec-  
13 tives of this section.

14 “(3) HEALTH CARE FINANCING STUDY RE-  
15 PORT.—

16 “(A) IN GENERAL.—Not later than 18  
17 months after the date of enactment of the Na-  
18 tive Hawaiian Health Care Improvement Reau-  
19 thorization Act of 2009, Papa Ola Lokahi, in  
20 cooperation with the Office of Hawaiian Affairs  
21 and other appropriate agencies and organiza-  
22 tions in the State (including the Department of  
23 Health and the Department of Human Services  
24 of the State) and appropriate Federal agencies  
25 (including the Centers for Medicare and Med-

1           icaid Services), shall submit to Congress a re-  
 2           port that describes the impact of Federal and  
 3           State health care financing mechanisms and  
 4           policies on the health and well-being of Native  
 5           Hawaiians.

6                   “(B) COMPONENTS.—The report shall in-  
 7           clude—

8                           “(i) information concerning the im-  
 9                           pact on Native Hawaiian health and well-  
 10                           being of—

11                                   “(I) cultural competency;

12                                   “(II) risk assessment data;

13                                   “(III) eligibility requirements  
 14                                   and exemptions; and

15                                   “(IV) reimbursement policies and  
 16                                   capitation rates in effect as of the  
 17                                   date of the report for service pro-  
 18                                   viders;

19                           “(ii) such other similar information as  
 20                           may be important to improving the health  
 21                           status of Native Hawaiians, as that infor-  
 22                           mation relates to health care financing (in-  
 23                           cluding barriers to health care); and

1 “(iii) recommendations for submission  
 2 to the Secretary, for review and consulta-  
 3 tion with the Native Hawaiian community.

4 “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
 5 are authorized to be appropriated such sums as are nec-  
 6 essary to carry out subsection (a).

7 **“SEC. 6. FUNCTIONS OF PAPA OLA LOKAHI.**

8 “(a) IN GENERAL.—Papa Ola Lokahi—

9 “(1) shall be responsible for—

10 “(A) the coordination, implementation, and  
 11 updating, as appropriate, of the comprehensive  
 12 health care master plan under section 5;

13 “(B) the training and education of individ-  
 14 uals providing health services;

15 “(C) the identification of and research (in-  
 16 cluding behavioral, biomedical, epidemiological,  
 17 and health service research) into the diseases  
 18 that are most prevalent among Native Hawai-  
 19 ians; and

20 “(D) the development and maintenance of  
 21 an institutional review board for all research  
 22 projects involving all aspects of Native Hawai-  
 23 ian health, including behavioral, biomedical, epi-  
 24 demiological, and health service research;

1           “(2) may receive special project funds (includ-  
 2           ing research endowments under section 736 of the  
 3           Public Health Service Act (42 U.S.C. 293)) made  
 4           available for the purpose of—

5                   “(A) research on the health status of Na-  
 6           tive Hawaiians; or

7                   “(B) addressing the health care needs of  
 8           Native Hawaiians; and

9           “(3) shall serve as a clearinghouse for—

10                   “(A) the collection and maintenance of  
 11           data associated with the health status of Native  
 12           Hawaiians;

13                   “(B) the identification and research into  
 14           diseases affecting Native Hawaiians;

15                   “(C) the availability of Native Hawaiian  
 16           project funds, research projects, and publica-  
 17           tions;

18                   “(D) the collaboration of research in the  
 19           area of Native Hawaiian health; and

20                   “(E) the timely dissemination of informa-  
 21           tion pertinent to the Native Hawaiian health  
 22           care systems.

23           “(b) CONSULTATION.—

24                   “(1) IN GENERAL.—The Secretary and the Sec-  
 25           retary of each other Federal agency shall—

1 “(A) consult with Papa Ola Lokahi; and

2 “(B) provide Papa Ola Lokahi and the Of-  
 3 fice of Hawaiian Affairs, at least once annually,  
 4 an accounting of funds and services provided by  
 5 the Secretary to assist in accomplishing the  
 6 purposes described in section 4.

7 “(2) COMPONENTS OF ACCOUNTING.—The ac-  
 8 counting under paragraph (1)(B) shall include an  
 9 identification of—

10 “(A) the amount of funds expended explic-  
 11 itly for and benefitting Native Hawaiians;

12 “(B) the number of Native Hawaiians af-  
 13 fected by those funds;

14 “(C) the collaborations between the appli-  
 15 cable Federal agency and Native Hawaiian  
 16 groups and organizations in the expenditure of  
 17 those funds; and

18 “(D) the amount of funds used for—

19 “(i) Federal administrative purposes;  
 20 and

21 “(ii) the provision of direct services to  
 22 Native Hawaiians.

23 “(c) FISCAL ALLOCATION AND COORDINATION OF  
 24 PROGRAMS AND SERVICES.—

1           “(1) RECOMMENDATIONS.—Papa Ola Lokahi  
2           shall provide annual recommendations to the Sec-  
3           retary with respect to the allocation of all amounts  
4           made available under this Act.

5           “(2) COORDINATION.—Papa Ola Lokahi shall,  
6           to the maximum extent practicable, coordinate and  
7           assist the health care programs and services pro-  
8           vided to Native Hawaiians under this Act and other  
9           Federal laws.

10          “(3) REPRESENTATION ON COMMISSION.—The  
11          Secretary, in consultation with Papa Ola Lokahi,  
12          shall make recommendations for Native Hawaiian  
13          representation on the President’s Advisory Commis-  
14          sion on Asian Americans and Pacific Islanders.

15          “(d) TECHNICAL SUPPORT.—Papa Ola Lokahi shall  
16          provide statewide infrastructure to provide technical sup-  
17          port and coordination of training and technical assistance  
18          to—

19                 “(1) the Native Hawaiian health care systems;  
20                 and

21                 “(2) the Native Hawaiian health centers.

22          “(e) RELATIONSHIPS WITH OTHER AGENCIES.—

23                 “(1) AUTHORITY.—Papa Ola Lokahi may enter  
24                 into agreements or memoranda of understanding

1 with relevant institutions, agencies, or organizations  
 2 that are capable of providing—

3 “(A) health-related resources or services to  
 4 Native Hawaiians and the Native Hawaiian  
 5 health care systems; or

6 “(B) resources or services for the imple-  
 7 mentation of the national policy described in  
 8 section 4.

9 “(2) HEALTH CARE FINANCING.—

10 “(A) FEDERAL CONSULTATION.—

11 “(i) IN GENERAL.—Before adopting  
 12 any policy, rule, or regulation that may af-  
 13 fect the provision of services or health in-  
 14 surance coverage for Native Hawaiians, a  
 15 Federal agency that provides health care  
 16 financing and carries out health care pro-  
 17 grams (including the Centers for Medicare  
 18 and Medicaid Services) shall consult with  
 19 representatives of—

20 “(I) the Native Hawaiian com-  
 21 munity;

22 “(II) Papa Ola Lokahi; and

23 “(III) organizations providing  
 24 health care services to Native Hawai-  
 25 ians in the State.

1 “(ii) IDENTIFICATION OF EFFECTS.—

2 Any consultation by a Federal agency  
3 under clause (i) shall include an identifica-  
4 tion of the effect of any policy, rule, or  
5 regulation proposed by the Federal agency.

6 “(B) STATE CONSULTATION.—Before mak-  
7 ing any change in an existing program or im-  
8 plementing any new program relating to Native  
9 Hawaiian health, the State shall engage in  
10 meaningful consultation with representatives  
11 of—

12 “(i) the Native Hawaiian community;

13 “(ii) Papa Ola Lokahi; and

14 “(iii) organizations providing health  
15 care services to Native Hawaiians in the  
16 State.

17 “(C) CONSULTATION ON FEDERAL  
18 HEALTH INSURANCE PROGRAMS.—

19 “(i) IN GENERAL.—The Office of Ha-  
20 waiian Affairs, in collaboration with Papa  
21 Ola Lokahi, may develop consultative, con-  
22 tractual, or other arrangements, including  
23 memoranda of understanding or agree-  
24 ment, with—

1           “(I) the Centers for Medicare  
2           and Medicaid Services;

3           “(II) the agency of the State that  
4           administers or supervises the adminis-  
5           tration of the State plan or waiver ap-  
6           proved under title XVIII, XIX, or  
7           XXI of the Social Security Act (42  
8           U.S.C. 1395 et seq.) for the payment  
9           of all or a part of the health care  
10          services provided to Native Hawaiians  
11          who are eligible for medical assistance  
12          under the State plan or waiver; or

13          “(III) any other Federal agency  
14          providing full or partial health insur-  
15          ance to Native Hawaiians.

16          “(ii)    CONTENTS    OF    ARRANGE-  
17          MENTS.—An arrangement under clause (i)  
18          may address—

19               “(I) appropriate reimbursement  
20               for health care services, including  
21               capitation rates and fee-for-service  
22               rates for Native Hawaiians who are  
23               entitled to or eligible for insurance;

24               “(II) the scope of services; or

1                   “(III) other matters that would  
2                   enable Native Hawaiians to maximize  
3                   health insurance benefits provided by  
4                   Federal and State health insurance  
5                   programs.

6                   “(3) TRADITIONAL HEALERS.—

7                   “(A) IN GENERAL.—The provision of  
8                   health services under any program operated by  
9                   the Department or another Federal agency (in-  
10                  cluding the Department of Veterans Affairs)  
11                  may include the services of—

12                  “(i) traditional Native Hawaiian heal-  
13                  ers; or

14                  “(ii) traditional healers providing tra-  
15                  ditional health care practices (as those  
16                  terms are defined in section 4 of the In-  
17                  dian Health Care Improvement Act (25  
18                  U.S.C. 1603).

19                  “(B) EXEMPTION.—Services described in  
20                  subparagraph (A) shall be exempt from national  
21                  accreditation reviews, including reviews con-  
22                  ducted by—

23                  “(i) the Joint Commission on Accredi-  
24                  tation of Healthcare Organizations; and

1 “(ii) the Commission on Accreditation  
2 of Rehabilitation Facilities.

3 **“SEC. 7. NATIVE HAWAIIAN HEALTH CARE.**

4 “(a) COMPREHENSIVE HEALTH PROMOTION, DIS-  
5 EASE PREVENTION, AND OTHER HEALTH SERVICES.—

6 “(1) GRANTS AND CONTRACTS.—The Secretary,  
7 in consultation with Papa Ola Lokahi, may make  
8 grants to, or enter into contracts with 1 or more Na-  
9 tive Hawaiian health care systems for the purpose of  
10 providing comprehensive health promotion and dis-  
11 ease prevention services, as well as other health serv-  
12 ices, to Native Hawaiians who desire and are com-  
13 mitted to bettering their own health.

14 “(2) LIMITATION ON NUMBER OF ENTITIES.—  
15 The Secretary may make a grant to, or enter into  
16 a contract with, not more than 8 Native Hawaiian  
17 health care systems under this subsection for any  
18 fiscal year.

19 “(b) PLANNING GRANT OR CONTRACT.—In addition  
20 to grants and contracts under subsection (a), the Sec-  
21 retary may make a grant to, or enter into a contract with,  
22 Papa Ola Lokahi for the purpose of planning Native Ha-  
23 waiian health care systems to serve the health needs of  
24 Native Hawaiian communities on each of the islands of

1 O‘ahu, Moloka‘i, Maui, Hawai‘i, Lana‘i, Kaua‘i,  
 2 Kaho‘lawe, and Ni‘ihau in the State.

3 “(c) HEALTH SERVICES TO BE PROVIDED.—

4 “(1) IN GENERAL.—Each recipient of funds  
 5 under subsection (a) may provide or arrange for—

6 “(A) outreach services to inform and assist  
 7 Native Hawaiians in accessing health services;

8 “(B) education in health promotion and  
 9 disease prevention for Native Hawaiians that,  
 10 wherever practicable, is provided by—

11 “(i) Native Hawaiian health care  
 12 practitioners;

13 “(ii) community outreach workers;

14 “(iii) counselors;

15 “(iv) cultural educators; and

16 “(v) other disease prevention pro-  
 17 viders;

18 “(C) services of individuals providing  
 19 health services;

20 “(D) collection of data relating to the pre-  
 21 vention of diseases and illnesses among Native  
 22 Hawaiians; and

23 “(E) support of culturally appropriate ac-  
 24 tivities that enhance health and wellness, in-

1 cluding land-based, water-based, ocean-based,  
2 and spiritually-based projects and programs.

3 “(2) TRADITIONAL HEALERS.—The health care  
4 services referred to in paragraph (1) that are pro-  
5 vided under grants or contracts under subsection (a)  
6 may be provided by traditional Native Hawaiian  
7 healers, as appropriate.

8 “(d) FEDERAL TORT CLAIMS ACT.—An individual  
9 who provides a medical, dental, or other service referred  
10 to in subsection (a)(1) for a Native Hawaiian health care  
11 system, including a provider of a traditional Native Ha-  
12 waiian healing service, shall be—

13 “(1) treated as if the individual were a member  
14 of the Public Health Service; and

15 “(2) subject to section 224 of the Public Health  
16 Service Act (42 U.S.C. 233).

17 “(e) SITE FOR OTHER FEDERAL PAYMENTS.—

18 “(1) IN GENERAL.—A Native Hawaiian health  
19 care system that receives funds under subsection (a)  
20 may serve as a Federal loan repayment facility.

21 “(2) REMISSION OF PAYMENTS.—A facility de-  
22 scribed in paragraph (1) shall be designed to enable  
23 health and allied-health professionals to remit pay-  
24 ments with respect to loans provided to the profes-  
25 sionals under any Federal loan program.

1       “(f) RESTRICTION ON USE OF GRANT AND CON-  
 2 TRACT FUNDS.—The Secretary shall not make a grant to,  
 3 or enter into a contract with, an entity under subsection  
 4 (a) unless the entity agrees that amounts received under  
 5 the grant or contract will not, directly or through contract,  
 6 be expended—

7               “(1) for any service other than a service de-  
 8 scribed in subsection (c)(1);

9               “(2) to purchase or improve real property  
 10 (other than minor remodeling of existing improve-  
 11 ments to real property); or

12               “(3) to purchase major medical equipment.

13       “(g) LIMITATION ON CHARGES FOR SERVICES.—The  
 14 Secretary shall not make a grant to, or enter into a con-  
 15 tract with, an entity under subsection (a) unless the entity  
 16 agrees that, whether health services are provided directly  
 17 or under a contract—

18               “(1) any health service under the grant or con-  
 19 tract will be provided without regard to the ability  
 20 of an individual receiving the health service to pay  
 21 for the health service; and

22               “(2) the entity will impose for the delivery of  
 23 such a health service a charge that is—

1           “(A) made according to a schedule of  
 2           charges that is made available to the public;  
 3           and

4           “(B) adjusted to reflect the income of the  
 5           individual involved.

6           “(h) AUTHORIZATION OF APPROPRIATIONS.—

7           “(1) GENERAL GRANTS.—There are authorized  
 8           to be appropriated such sums as are necessary to  
 9           carry out subsection (a) for each of fiscal years 2009  
 10          through 2014.

11          “(2) PLANNING GRANTS.—There are authorized  
 12          to be appropriated such sums as are necessary to  
 13          carry out subsection (b) for each of fiscal years 2009  
 14          through 2014.

15          “(3) HEALTH SERVICES.—There are authorized  
 16          to be appropriated such sums as are necessary to  
 17          carry out subsection (c) for each of fiscal years 2009  
 18          through 2014.

19       **“SEC. 8. ADMINISTRATIVE GRANT FOR PAPA OLA LOKAHI.**

20          “(a) IN GENERAL.—In addition to any other grant  
 21          or contract under this Act, the Secretary may make grants  
 22          to, or enter into contracts with, Papa Ola Lokahi for—

23               “(1) coordination, implementation, and updat-  
 24               ing (as appropriate) of the comprehensive health  
 25               care master plan developed under section 5;

1           “(2) training and education for providers of  
2 health services;

3           “(3) identification of and research (including  
4 behavioral, biomedical, epidemiologic, and health  
5 service research) into the diseases that are most  
6 prevalent among Native Hawaiians;

7           “(4) a clearinghouse function for—

8               “(A) the collection and maintenance of  
9 data associated with the health status of Native  
10 Hawaiians;

11               “(B) the identification and research into  
12 diseases affecting Native Hawaiians; and

13               “(C) the availability of Native Hawaiian  
14 project funds, research projects, and publica-  
15 tions;

16           “(5) the establishment and maintenance of an  
17 institutional review board for all health-related re-  
18 search involving Native Hawaiians;

19           “(6) the coordination of the health care pro-  
20 grams and services provided to Native Hawaiians;  
21 and

22           “(7) the administration of special project funds.

23           “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
24 are authorized to be appropriated such sums as are nec-

1    essary to carry out subsection (a) for each of fiscal years  
2    2009 through 2014.

3    **“SEC. 9. ADMINISTRATION OF GRANTS AND CONTRACTS.**

4       “(a) **TERMS AND CONDITIONS.**—The Secretary shall  
5    include in any grant made or contract entered into under  
6    this Act such terms and conditions as the Secretary con-  
7    siders necessary or appropriate to ensure that the objec-  
8    tives of the grant or contract are achieved.

9       “(b) **PERIODIC REVIEW.**—The Secretary shall peri-  
10   odically evaluate the performance of, and compliance with,  
11   grants and contracts under this Act.

12       “(c) **ADMINISTRATIVE REQUIREMENTS.**—The Sec-  
13   retary shall not make a grant or enter into a contract  
14   under this Act with an entity unless the entity—

15       “(1) agrees to establish such procedures for fis-  
16   cal control and fund accounting as the Secretary de-  
17   termines are necessary to ensure proper disburse-  
18   ment and accounting with respect to the grant or  
19   contract;

20       “(2) agrees to ensure the confidentiality of  
21   records maintained on individuals receiving health  
22   services under the grant or contract;

23       “(3) with respect to providing health services to  
24   any population of Native Hawaiians, a substantial

1       portion of which has a limited ability to speak the  
2       English language—

3               “(A) has developed and has the ability to  
4               carry out a reasonable plan to provide health  
5               services under the grant or contract through in-  
6               dividuals who are able to communicate with the  
7               population involved in the language and cultural  
8               context that is most appropriate; and

9               “(B) has designated at least 1 individual  
10              who is fluent in English and the appropriate  
11              language to assist in carrying out the plan;

12              “(4) with respect to health services that are  
13              covered under a program under title XVIII, XIX, or  
14              XXI of the Social Security Act (42 U.S.C. 1395 et  
15              seq.) (including any State plan), or under any other  
16              Federal health insurance plan—

17              “(A) if the entity will provide under the  
18              grant or contract any of those health services  
19              directly—

20                      “(i) has entered into a participation  
21                      agreement under each such plan; and

22                      “(ii) is qualified to receive payments  
23                      under the plan; and

1           “(B) if the entity will provide under the  
2           grant or contract any of those health services  
3           through a contract with an organization—

4                   “(i) ensures that the organization has  
5           entered into a participation agreement  
6           under each such plan; and

7                   “(ii) ensures that the organization is  
8           qualified to receive payments under the  
9           plan; and

10           “(5) agrees to submit to the Secretary and  
11   Papa Ola Lokahi an annual report that—

12                   “(A) describes the use and costs of health  
13           services provided under the grant or contract  
14           (including the average cost of health services  
15           per user); and

16                   “(B) provides such other information as  
17           the Secretary determines to be appropriate.

18   “(d) CONTRACT EVALUATION.—

19           “(1) DETERMINATION OF NONCOMPLIANCE.—

20   If, as a result of evaluations conducted by the Sec-  
21   retary, the Secretary determines that an entity has  
22   not complied with or satisfactorily performed a con-  
23   tract entered into under section 7, the Secretary  
24   shall, before renewing the contract—

1           “(A) attempt to resolve the areas of non-  
2           compliance or unsatisfactory performance; and

3           “(B) modify the contract to prevent future  
4           occurrences of the noncompliance or unsatisfac-  
5           tory performance.

6           “(2) NONRENEWAL.—If the Secretary deter-  
7           mines that the noncompliance or unsatisfactory per-  
8           formance described in paragraph (1) with respect to  
9           an entity cannot be resolved and prevented in the fu-  
10          ture, the Secretary—

11           “(A) shall not renew the contract with the  
12           entity; and

13           “(B) may enter into a contract under sec-  
14           tion 7 with another entity referred to in section  
15           7(a)(3) that provides services to the same popu-  
16           lation of Native Hawaiians served by the entity  
17           the contract with which was not renewed by  
18           reason of this paragraph.

19           “(3) CONSIDERATION OF RESULTS.—In deter-  
20           mining whether to renew a contract entered into  
21           with an entity under this Act, the Secretary shall  
22           consider the results of the evaluations conducted  
23           under this section.

24           “(4) APPLICATION OF FEDERAL LAWS.—Each  
25           contract entered into by the Secretary under this

1 Act shall be in accordance with all Federal con-  
 2 tracting laws (including regulations), except that, in  
 3 the discretion of the Secretary, such a contract  
 4 may—

5 “(A) be negotiated without advertising;  
 6 and

7 “(B) be exempted from subchapter III of  
 8 chapter 31, United States Code.

9 “(5) PAYMENTS.—A payment made under any  
 10 contract entered into under this Act—

11 “(A) may be made—

12 “(i) in advance;

13 “(ii) by means of reimbursement; or

14 “(iii) in installments; and

15 “(B) shall be made on such conditions as  
 16 the Secretary determines to be necessary to  
 17 carry out this Act.

18 “(e) REPORT.—

19 “(1) IN GENERAL.—For each fiscal year during  
 20 which an entity receives or expends funds under a  
 21 grant or contract under this Act, the entity shall  
 22 submit to the Secretary and to Papa Ola Lokahi an  
 23 annual report that describes—

24 “(A) the activities conducted by the entity  
 25 under the grant or contract;

1                   “(B) the amounts and purposes for which  
2                   Federal funds were expended; and

3                   “(C) such other information as the Sec-  
4                   retary may request.

5                   “(2) AUDITS.—The reports and records of any  
6                   entity concerning any grant or contract under this  
7                   Act shall be subject to audit by—

8                   “(A) the Secretary;

9                   “(B) the Inspector General of the Depart-  
10                  ment of Health and Human Services; and

11                  “(C) the Comptroller General of the  
12                  United States.

13                  “(f) ANNUAL PRIVATE AUDIT.—The Secretary shall  
14                  allow as a cost of any grant made or contract entered into  
15                  under this Act the cost of an annual private audit con-  
16                  ducted by a certified public accountant to carry out this  
17                  section.

18       **“SEC. 10. ASSIGNMENT OF PERSONNEL.**

19                  “(a) IN GENERAL.—The Secretary may enter into an  
20                  agreement with Papa Ola Lokahi or any of the Native Ha-  
21                  waiian health care systems for the assignment of personnel  
22                  of the Department of Health and Human Services with  
23                  relevant expertise for the purpose of—

24                  “(1) conducting research; or

1           “(2) providing comprehensive health promotion  
2           and disease prevention services and health services  
3           to Native Hawaiians.

4           “(b) APPLICABLE FEDERAL PERSONNEL PROVI-  
5           SIONS.—Any assignment of personnel made by the Sec-  
6           retary under any agreement entered into under subsection  
7           (a) shall be treated as an assignment of Federal personnel  
8           to a local government that is made in accordance with sub-  
9           chapter VI of chapter 33 of title 5, United States Code.

10       **“SEC. 11. NATIVE HAWAIIAN HEALTH SCHOLARSHIPS AND**  
11               **FELLOWSHIPS.**

12           “(a) ELIGIBILITY.—Subject to the availability of  
13           amounts appropriated under subsection (c), the Secretary  
14           shall provide to Papa Ola Lokahi, through a direct grant  
15           or a cooperative agreement, funds for the purpose of pro-  
16           viding scholarship and fellowship assistance, counseling,  
17           and placement service assistance to students who are Na-  
18           tive Hawaiians.

19           “(b) PRIORITY.—A priority for scholarships under  
20           subsection (a) may be provided to employees of—

21               “(1) the Native Hawaiian Health Care Systems;  
22           and

23               “(2) the Native Hawaiian Health Centers.

24           “(c) TERMS AND CONDITIONS.—

25               “(1) SCHOLARSHIP ASSISTANCE.—

1           “(A) IN GENERAL.—The scholarship as-  
 2           sistance under subsection (a) shall be provided  
 3           in accordance with subparagraphs (B) through  
 4           (G).

5           “(B) NEED.—The provision of scholar-  
 6           ships in each type of health profession training  
 7           shall correspond to the need for each type of  
 8           health professional to serve the Native Hawai-  
 9           ian community in providing health services, as  
 10          identified by Papa Ola Lokahi.

11          “(C) ELIGIBLE APPLICANTS.—To the max-  
 12          imum extent practicable, the Secretary shall se-  
 13          lect scholarship recipients from a list of eligible  
 14          applicants submitted by Papa Ola Lokahi.

15          “(D) OBLIGATED SERVICE REQUIRE-  
 16          MENT.—

17                 “(i) IN GENERAL.—An obligated serv-  
 18                 ice requirement for each scholarship recipi-  
 19                 ent (except for a recipient receiving assist-  
 20                 ance under paragraph (2)) shall be fulfilled  
 21                 through service, in order of priority, in—

22                         “(I) any of the Native Hawaiian  
 23                         health care systems;

24                         “(II) any of the Native Hawaiian  
 25                         health centers;

1                   “(III) 1 or more health profes-  
 2                   sions shortage areas, medically under-  
 3                   served areas, or geographic areas or  
 4                   facilities similarly designated by the  
 5                   Public Health Service in the State;

6                   “(IV) a Native Hawaiian organi-  
 7                   zation that serves a geographical area,  
 8                   facility, or organization that serves a  
 9                   significant Native Hawaiian popu-  
 10                  lation;

11                  “(V) any public agency or non-  
 12                  profit organization providing services  
 13                  to Native Hawaiians; or

14                  “(VI) any of the uniformed serv-  
 15                  ices of the United States.

16                  “(ii) ASSIGNMENT.—The placement  
 17                  service for a scholarship shall assign each  
 18                  Native Hawaiian scholarship recipient to 1  
 19                  or more appropriate sites for service in ac-  
 20                  cordance with clause (i).

21                  “(E) COUNSELING, RETENTION, AND SUP-  
 22                  PORT SERVICES.—The provision of academic  
 23                  and personal counseling, retention and other  
 24                  support services—

1 “(i) shall not be limited to scholarship  
2 recipients under this section; and

3 “(ii) shall be made available to recipi-  
4 ents of other scholarship and financial aid  
5 programs enrolled in appropriate health  
6 professions training programs.

7 “(F) FINANCIAL ASSISTANCE.—After con-  
8 sultation with Papa Ola Lokahi, financial as-  
9 sistance may be provided to a scholarship re-  
10 cipient during the period that the recipient is  
11 fulfilling the service requirement of the recipi-  
12 ent in any of—

13 “(i) the Native Hawaiian health care  
14 systems; or

15 “(ii) the Native Hawaiians health cen-  
16 ters.

17 “(G) DISTANCE LEARNING RECIPIENTS.—  
18 A scholarship may be provided to a Native Ha-  
19 waiian who is enrolled in an appropriate dis-  
20 tance learning program offered by an accredited  
21 educational institution.

22 “(2) FELLOWSHIPS.—

23 “(A) IN GENERAL.—Papa Ola Lokahi may  
24 provide financial assistance in the form of a fel-

1 lowship to a Native Hawaiian health profes-  
 2 sional who is—

3 “(i) a Native Hawaiian community  
 4 health representative, outreach worker, or  
 5 health program administrator in a profes-  
 6 sional training program;

7 “(ii) a Native Hawaiian providing  
 8 health services; or

9 “(iii) a Native Hawaiian enrolled in a  
 10 certificated program provided by tradi-  
 11 tional Native Hawaiian healers in any of  
 12 the traditional Native Hawaiian healing  
 13 practices (including lomi-lomi, la‘au  
 14 lapa‘au, and ho‘oponopono).

15 “(B) TYPES OF ASSISTANCE.—Assistance  
 16 under subparagraph (A) may include a stipend  
 17 for, or reimbursement for costs associated with,  
 18 participation in a program described in that  
 19 paragraph.

20 “(3) RIGHTS AND BENEFITS.—An individual  
 21 who is a health professional designated in section  
 22 338A of the Public Health Service Act (42 U.S.C.  
 23 254l) who receives a scholarship under this sub-  
 24 section while fulfilling a service requirement under  
 25 that Act shall retain the same rights and benefits as

1 members of the National Health Service Corps dur-  
2 ing the period of service.

3 “(4) NO INCLUSION OF ASSISTANCE IN GROSS  
4 INCOME.—Financial assistance provided under this  
5 section shall be considered to be qualified scholar-  
6 ships for the purpose of section 117 of the Internal  
7 Revenue Code of 1986.

8 “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
9 are authorized to be appropriated such sums as are nec-  
10 essary to carry out subsections (a) and (c)(2) for each of  
11 fiscal years 2009 through 2014.

12 **“SEC. 12. REPORT.**

13 “For each fiscal year, the President shall, at the time  
14 at which the budget of the United States is submitted  
15 under section 1105 of title 31, United States Code, submit  
16 to Congress a report on the progress made in meeting the  
17 purposes of this Act, including—

18 “(1) a review of programs established or as-  
19 sisted in accordance with this Act; and

20 “(2) an assessment of and recommendations for  
21 additional programs or additional assistance nec-  
22 essary to provide, at a minimum, health services to  
23 Native Hawaiians, and ensure a health status for  
24 Native Hawaiians, that are at a parity with the

1 health services available to, and the health status of,  
2 the general population.

3 **“SEC. 13. USE OF FEDERAL GOVERNMENT FACILITIES AND**  
4 **SOURCES OF SUPPLY.**

5 “(a) IN GENERAL.—The Secretary shall permit an  
6 organization that enters into a contract or receives grant  
7 under this Act to use in carrying out projects or activities  
8 under the contract or grant all existing facilities under the  
9 jurisdiction of the Secretary (including all equipment of  
10 the facilities), in accordance with such terms and condi-  
11 tions as may be agreed on for the use and maintenance  
12 of the facilities or equipment.

13 “(b) DONATION OF PROPERTY.—The Secretary may  
14 donate to an organization that enters into a contract or  
15 receives grant under this Act, for use in carrying out a  
16 project or activity under the contract or grant, any per-  
17 sonal or real property determined to be in excess of the  
18 needs of the Department or the General Services Adminis-  
19 tration.

20 “(c) ACQUISITION OF SURPLUS PROPERTY.—The  
21 Secretary may acquire excess or surplus Federal Govern-  
22 ment personal or real property for donation to an organi-  
23 zation under subsection (b) if the Secretary determines  
24 that the property is appropriate for use by the organiza-  
25 tion for the purpose for which a contract entered into or

1 grant received by the organization is authorized under this  
2 Act.

3 **“SEC. 14. DEMONSTRATION PROJECTS OF NATIONAL SIG-**  
4 **NIFICANCE.**

5 “(a) AUTHORITY AND AREAS OF INTEREST.—

6 “(1) IN GENERAL.—The Secretary, in consulta-  
7 tion with Papa Ola Lokahi, may allocate amounts  
8 made available under this Act, or any other Act, to  
9 carry out Native Hawaiian demonstration projects of  
10 national significance.

11 “(2) AREAS OF INTEREST.—A demonstration  
12 project described in paragraph (1) may relate to  
13 such areas of interest as—

14 “(A) the development of a centralized  
15 database and information system relating to the  
16 health care status, health care needs, and  
17 wellness of Native Hawaiians;

18 “(B) the education of health professionals,  
19 and other individuals in institutions of higher  
20 learning, in health and allied health programs  
21 in healing practices, including Native Hawaiian  
22 healing practices;

23 “(C) the integration of Western medicine  
24 with complementary healing practices, including  
25 traditional Native Hawaiian healing practices;

1           “(D) the use of telehealth and tele-  
2           communications in—

3                   “(i) chronic and infectious disease  
4                   management; and

5                   “(ii) health promotion and disease  
6                   prevention;

7           “(E) the development of appropriate mod-  
8           els of health care for Native Hawaiians and  
9           other indigenous people, including—

10                   “(i) the provision of culturally com-  
11                   petent health services;

12                   “(ii) related activities focusing on  
13                   wellness concepts;

14                   “(iii) the development of appropriate  
15                   kupuna care programs; and

16                   “(iv) the development of financial  
17                   mechanisms and collaborative relationships  
18                   leading to universal access to health care;  
19                   and

20           “(F) the establishment of—

21                   “(i) a Native Hawaiian Center of Ex-  
22                   cellence for Nursing at the University of  
23                   Hawai’i at Hilo;

1 “(ii) a Native Hawaiian Center of Ex-  
 2 cellence for Mental Health at the Univer-  
 3 sity of Hawai’i at Manoa;

4 “(iii) a Native Hawaiian Center of  
 5 Excellence for Maternal Health and Nutri-  
 6 tion at the Waimanalo Health Center;

7 “(iv) a Native Hawaiian Center of Ex-  
 8 cellence for Research, Training, Integrated  
 9 Medicine at Molokai General Hospital; and

10 “(v) a Native Hawaiian Center of Ex-  
 11 cellence for Complementary Health and  
 12 Health Education and Training at the  
 13 Waianae Coast Comprehensive Health  
 14 Center.

15 “(3) CENTERS OF EXCELLENCE.—Papa Ola  
 16 Lokahi, and any centers established under para-  
 17 graph (2)(F), shall be considered to be qualified as  
 18 Centers of Excellence under sections 485F and  
 19 903(b)(2)(A) of the Public Health Service Act (42  
 20 U.S.C. 287c–32, 299a–1).

21 “(b) NONREDUCTION IN OTHER FUNDING.—The al-  
 22 location of funds for demonstration projects under sub-  
 23 section (a) shall not result in any reduction in funds re-  
 24 quired by the Native Hawaiian health care systems, the  
 25 Native Hawaiian Health Centers, the Native Hawaiian

1 Health Scholarship Program, or Papa Ola Lokahi to carry  
2 out the respective responsibilities of those entities under  
3 this Act.

4 **“SEC. 15. RULE OF CONSTRUCTION.**

5 “Nothing in this Act restricts the authority of the  
6 State to require licensing of, and issue licenses to, health  
7 practitioners.

8 **“SEC. 16. COMPLIANCE WITH BUDGET ACT.**

9 “Any new spending authority described in subpara-  
10 graph (A) or (B) of section 401(c)(2) of the Congressional  
11 Budget Act of 1974 (2 U.S.C. 651(c)(2)) that is provided  
12 under this Act shall be effective for any fiscal year only  
13 to such extent or in such amounts as are provided for in  
14 Acts of appropriation.

15 **“SEC. 17. SEVERABILITY.**

16 “If any provision of this Act, or the application of  
17 any such provision to any person or circumstance, is deter-  
18 mined by a court of competent jurisdiction to be invalid,  
19 the remainder of this Act, and the application of the provi-  
20 sion to a person or circumstance other than that to which  
21 the provision is held invalid, shall not be affected by that  
22 holding.”.

○